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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/807,040 | 03/23/2004 | Takashi Akita | 04995/140001 | 2727 |
| 7590 | 04/14/2005 | | | EXAMINER |
| Jonathan P. Osha Osha Novak & May L.L.P. Suite 2800 1221 McKinney St. Houston, TX 77010 | | | FERGUSON, MICHAEL P | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3679 | |
| DATE MAILED: 04/14/2005 | | | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/807,040 | AKITA, TAKASHI | |
| | Examiner | Art Unit | |
| | Michael P. Ferguson | 3679 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on _____.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-4 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 28 June 2004 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date 03/23/04.
- 4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

DETAILED ACTION

Drawings

1. Figures 4 and 5 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

2. Claims 1 and 2 are objected to because of the following informalities:

Claim 1 (line 2) recites "a rear panels". It should recite --a rear panel--.

Claim 2 (line 2) recites "a rear panels". It should recite --a rear panel--.

For the purpose of examining the application, it is assumed that appropriate correction has been made.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Ponticelli et al. (US 5,441,421).

As to claim 1, Ponticelli et al. disclose an attachment structure of a rear panel to a tuner, in which a rear panel **12** is attached and fixed onto a front surface of a tuner (element **27**), the tuner having two connector connection parts **A** (Figure 6 reprinted below with annotations) protruding in front and a small protrusion **22** with a tapped hole for panel attachment provided in a middle position between the connector connection parts, the attachment structure comprising:

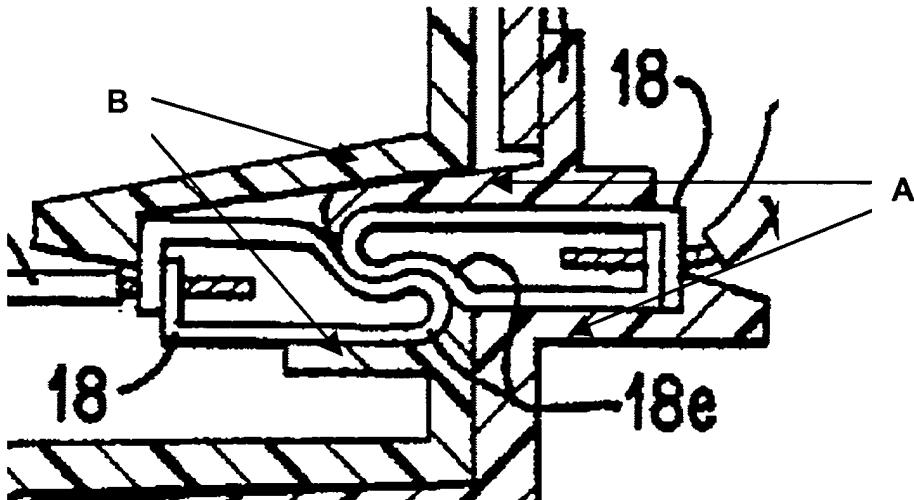
the rear panel having two holes for inserting the connector connection parts in portions corresponding to the two connector connection parts of the tuner and a small cylindrical part **14** that is formed in a portion corresponding to the small protrusion with the tapped hole of the tuner; and

a male screw **17**;

wherein the two connector connection parts of the tuner are inserted into the two holes of the rear panel, and a leading end of the small cylindrical part is brought into contact with a front surface of the small protrusion with the tapped hole of the tuner, and under this state, the male screw is inserted into the small cylindrical part from the front surface side of the rear panel and further a leading end of the male screw is screwed into the tapped hole of the small protrusion with the tapped hole of the tuner, whereby the rear panel is attached and fixed onto the front surface of the tuner (Figures 1 and 6).

The applicant is reminded that patentability determination of product-by-process claims is based on the product itself, even though such claims are limited and defined

by the process. See MPEP § 2113. "The patentability of a product does not depend on its method of production. " In re Thorpe, 777 F.2d 695,698,USPQ 964,966 (Fed.Cir.1985).



As to claim 2, Ponticelli et al. disclose an attachment structure of a rear panel to a tuner, in which a rear panel 12 is attached and fixed onto a front surface of a tuner (element 27), the tuner having two connector connection parts A protruding in front and a small protrusion 22 with a tapped hole for panel attachment provided in a middle position between the connector connection parts, the attachment structure comprising:

the rear panel having two holes for inserting the connector connection parts in portions corresponding to the two connector connection parts of the tuner and a small cylindrical part 14 that is formed protrusively to the tuner side in a portion corresponding to the small protrusion with the tapped hole of the tuner; and

a male screw 17;

wherein the two connector connection parts of the tuner are inserted into the two holes of the rear panel, and a leading end of the small cylindrical part is brought into

contact with a front surface of the small protrusion with the tapped hole of the tuner, and under this state, the male screw is inserted into the small cylindrical part from the front surface side of the rear panel and further a leading end of the male screw is screwed into the tapped hole of the small protrusion with the tapped hole of the tuner, whereby the rear panel is attached and fixed onto the front surface of the tuner (Figures 1 and 6).

As to claim 3, Ponticelli et al. disclose an attachment structure wherein the small cylindrical part **22** of the rear panel **27** is formed, and a peripheral projection part **B** that comes into contact with the front surface of the tuner **12** is formed in a portion of each of the two holes (Figure 6).

The applicant is reminded that patentability determination of product-by-process claims is based on the product itself, even though such claims are limited and defined by the process. See MPEP § 2113. "The patentability of a product does not depend on its method of production. " In re Thorpe, 777 F.2d 695,698,USPQ 964,966 (Fed.Cir.1985).

As to claim 4, Ponticelli et al. disclose an attachment structure wherein the small cylindrical part **14** of the rear panel **12** is formed;

in a portion of each of the two holes, a part **B** having plural cuts in circular direction of a hole edge is formed;

the cuts are bent toward the front side of the tuner **27** thereby to form a peripheral projection part **B**; and

a leading end of the peripheral projection part comes into contact with the front surface of the tuner (Figure 6).

The applicant is reminded that patentability determination of product-by-process claims is based on the product itself, even though such claims are limited and defined by the process. See MPEP § 2113. "The patentability of a product does not depend on its method of production. " In re Thorpe, 777 F.2d 695,698,USPQ 964,966 (Fed.Cir.1985).

Conclusion

The prior art made of record and not relied upon is considered pertinent to the applicant's disclosure. The following patents show the state of the art with respect to attachment structures:

Waters (US 4,790,501), Nakajima (US 6,666,413), Straesser, Jr. (US 6,634,693) and Alves et al. (US 4,462,564) are cited for pertaining to structures comprising a rear panel and a tuner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael P. Ferguson whose telephone number is (703)308-8591. The examiner can normally be reached on M-F (7:30-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (703)308-2686. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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04/11/05

Daniel P Stodola

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